

IN THE District Court
of

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10-16-06

THE UNITED STATES

Supplemental Response in opposition to Defendants

2006 OCT 18 A 9:55

Jeffery Todd Gould
AIS 140977

CLERK OF DISTRICT COURT
MIDDLE DISTRICT ALA

Civil Action 2:05-CV-1102-MEF

V

AARON BEE, Et Al,

Pro se

Prison Health Services

COMES NOW Plaintiff in answer to Defendants PHS,
DONALD McARTHUR, PA-C AND AARON BEE, RN.

THE DEFENDANTS CONTEND THAT I FAIL TO STATE A CLAIM AGAINST DEFENDANTS. IN RESPONSE (I STATE, THAT I HAVE AND CONTINUE TO SEEK TREATMENTS FOR HEPATITIS C) TO CAUSE SAID DISEASE TO STOP DAMAGING MY LIVER. I HAVE CLEARLY ESTABLISHED THE NATURE OF THIS CIVIL ACTION N. 205 - CV - 1102 IS TO OBTAIN ADEQUATE TREATMENT (HEPATITIS C IS TREATED WITH THE DRUG CALLED PEGINTERFERON) OF WHICH IS USED IN COMBINATION WITH RIBAVIRIN) I HAVE BEEN DELAYED AND DENIED SAID TREATMENTS FOR ALMOST TWO YEARS BY PRISON HEALTH SERVICES. BY AND THROUGH ITS STAFF IN VIOLATION OF MY EIGHT AND FOURTEENTH AMENDMENT'S RIGHTS (DEFENDANTS HAVE AND CONTINUE TO DENIE ME PLAINTIFF SAID TREATMENTS) I AM A WARD OF THIS STATE ALABAMA, DEPARTMENT OF CORRECTIONS

(I WAS SENTENCED TO A TERM OF TWENTY YEARS NOT A DEATH SENTENCE) if left untreated This serious incurable medical condition (Hepatitis C) will cause my liver to stop which will cause my Death. for example one federal court has held that treatment so grossly incompetent as to shock the conscience! violates the eight amendment. Rogers v Evans 792 F.2d 1030, 1032-36 11th Cir. I have been confined since 3-20-97 I did not have Hepatitis C when I was arrested. meaning that I acquired Hepatitis after being confined in the Department of corrections. Through no fault of my own ie sexual contact or injecting drugs. or tattoos or body piercing. I was told I had Hepatitis C on or about 4-26-05 and that I would be afforded treatments to put said virus in remission yet I did not receive said treatments after it was found that my blood was hard to obtain for testing. yet I have found inconsistent reasoning by which PHS staff. I was told my blood platelets and my hemoglobin were not up to par, to receive treatments. I am not schooled in medical reasoning. But I will state the primary LAB report of 9-19-05 which was performed by (Labcorp) Montgomery 543 Hull St 36104 (Hemoglobin 10.7L% g/dL 12:05 17.0 yx) Platelets 42 x 10³ uL 140-415 yx) I have gleaned information that Hemoglobin and Platelets can and or often added with Peginterferon and or Ribavirin to put (Hepatitis C) in remission! whereas I told and lead to THANK

By (PHS) employee's DETERMINATION that (ie) did not fit
 CRITERIA too RECEIVE TREATMENT. ie WAS FINAL AND
 FACTUAL. WHICH CONSTATUTES DELIBERATE INDIFFERENCE)
 KAMINSKY V ROSENBLUM 896 F.2d 922, 927 (2d Cir,
 1991) (INASMUCH AS IF A PRISONER REQUIRES CARE THAT
 IS NOT AVAILABLE IN PRISON THE FAILURE TO OBTAIN IT ELSE-
 WHERE MAY CONSTATUTE DELIBERATE INDIFFERENCE) LACK OF COMP-
 -ETANT TREATMENT IS PEGINTERFERON AND/OR RIBAVIRIN ALONG WITH
 HEMOGLOBIN AND/OR PLATELETS: IS GROSSLY INADEQUATE! INASMUCH
 -CH AS CASES OF THIS NATURE, INVOLVE CONDITIONS OFTEN LEAD-
 -ING TO DISFIGUREMENT DISABILITY AND OR DEATH: WALDROP V
 EVANS 871 F.2d 1030-1032-36 (11th Cir 880 F.2d 421) 1989

(IN CONCLUSION)

MY CLAIM HAS BEEN STATED CLEARLY & CONSISTANTLY
 (ie) (THE TREATMENTS I AM IN NEED OF ARE STATED ABOVE.)
 (I JEFFERY TODD GOULD A/S 140977 STATE THAT APPROPRIATE
 PRESIDENT DOES EXIST IN MATERIAL FACTS. BY AND THROUGH
 TIER'S OF FACT'S THAT CLEARLY MEET MY REQUIRED BURDEN
 (ie) I STILL HAVE HEPATITIS C) WHICH IF LEFT UNTREATED
 WILL CAUSE MY DEMISE!

Respectfully Submitted

AND OR RENDERED

By *Jeffery Todd Gould* A/S 140977

DATED SEALED AND MAILED

10-16-06

I Hereby certify that the foregoing mail of legal matter. HAS BEEN PLACED IN THE STATON LEGAL MAIL Box ON this date 10-16-06 to THE (CLERK of the court for the middle district of Alabama) Also A COPY HAS BEEN FORWARDED to. DEFENDANTS ATTORNEY ON 10-11-06

Respectfully Submitted
AND ENDORSED 10-16-06
By Jeffrey Todd Houldakis 140977

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